

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CV 11-0342 JB/KBM  
CR 08-1419 JB

MARK L. SEDILLO,

Defendant.

**ORDER**

**THIS MATTER** comes before the Court, *sua sponte* under rule 4 of the Rules Governing Section 2255 Proceedings, on Defendant Sedillo's Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence (CV Doc. 1; CR Doc. 65). Defendant Sedillo filed the § 2255 motion in the captioned criminal proceeding on March 15, 2011, during the pendency of his direct appeal.

On the same day, Defendant Sedillo also filed his Opposed Motion For An Indicative Ruling (CR Doc. 66). The motion asks for a ruling from this Court that Defendant Sedillo's "§ 2255 [motion] raises a substantial issue and warrants a remand for further proceedings . . . in time to stay further proceedings on appeal." Later, in his reply (CR Doc. 68) to the government's response, Defendant Sedillo asserts that the "Court should . . . proceed to determine the issues raised in Mr. Sedillo's § 2255 claims." Shortly thereafter, the Court of Appeals for the Tenth Circuit abated the appeal (CR Doc. 70) pending this Court's disposition of the § 2255 motion. The motion for indicative ruling is thus moot, and the Court will order the United States to answer Defendant Sedillo's § 2255 motion.

**IT IS THEREFORE ORDERED** that Defendant Sedillo's Opposed Motion For An Indicative Ruling (CR Doc. 66) is denied as moot; and, within twenty-three (23) days from entry of this Order, the United States must answer Defendant Sedillo's Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence.

  
UNITED STATES CHIEF MAGISTRATE JUDGE